

Local Government Employee-Management Relations Board E-Newsletter

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Members of the Board

Philip E. Larson, Chairman

Sandra Masters, Vice-Chairman

Brent C. Eckersley, Esq., Board Member

Staff

Bruce K. Snyder, Commissioner

Yvonne V. Martinez, Board Secretary

On the Horizon

The next meeting of the Board will be held March 11th through 13th. The agenda for this meeting will be on our website, www.emrb.state.nv.us, by the close of business on Monday, March 3rd.

Also, on Tuesday, March 11th at 8:00 a.m. the Board will conduct a hearing on proposed regulations for the agency. You have the right to either appear at the hearing or submit written comments prior to the hearing. These regulations were the subject of a recent workshop held in January. The official notices for these regulations will be available on our website as well as the Legislature's website.

The following meeting of the Board is scheduled for April 1st through 3rd. We anticipate that the agenda for this meeting will be on our website on Monday, March 24th. Any stipulations or other documents for this meeting need to be filed with the EMRB by Friday, March 21st in order to appear on that agenda.

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In the Queue...

Once initial pleadings, including pre-hearing statements, have been filed with the EMRB and after any motions to dismiss or defer have been decided, then a case typically goes into a queue, waiting for the Board to decide whether to grant a hearing in the case or dismiss the complaint. Below is a description of the current queue:

The hearing for the March meeting is for two consolidated cases: A1-046047, IAFF, Local 1607 v. City of North Las Vegas, and A1-046069, North Las Vegas Police Officers Assoc. v. City of North Las Vegas. The Board has agreed to bifurcate the case. The hearing in March concerns the definition of the word "emergency" under NRS 288.

In April the Board will hear A1-046066, Teddi Biggs v. City of Las Vegas. The case scheduled for May is A1-046095, Nye County Management Employees Association v. Nye County. This case concerns a new provision in NRS 288 which amended the definition of the term "supervisor." A1-046106, Michael Turner v. Clark County School District will be scheduled for July.

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In the Queue... (cont.)

The following cases are waiting for the Board to deliberate and decide on the status of the case, including, but not limited to, dismissal of the case or the granting of a hearing on the complaint. Please note that the order listed below is not necessarily the order in which the cases will be heard.

In Las Vegas:

A1-046091, Jarod Barto et al v. City of Las Vegas

A1-046102, North Las Vegas Police Supervisors Assoc. v. City of North Las Vegas

In the Carson City/Reno area:

A1-046098, Washoe County Principals Assn. v. Washoe County School District

A1-046099, July Wright v. Lyon County

A1-046105, Douglas County Support Staff Assn. v. Douglas County School District

It is anticipated that the Board, at its March meeting, will decide the schedule for a number of the above cases. The Board will meet through May in Las Vegas and then schedule one or more meetings in northern Nevada during the summer, most likely in June and August.



*New and Improved EMRB
website coming soon...*

Under Construction

The agency has identified a number of goals for the coming year. Last month we briefly discussed our three transparency goals. This month we discuss our customer service goals. The agency is committed to reducing the amount of time to hear a case once a complaint and answer have been filed. We offered eight alternatives to our user community and will be implementing two of them. The first is to have a backup case to hear in case the primary case for a given month settles. This will allow additional cases to be heard each year. This feature should be fully implemented in a few months. Secondly, our proposed amendments to our regulations, which may be final in a couple months, will allow for settlement conferences. If and when approved, we anticipate that many of our cases would be subject to a mandatory settlement conference. Every case that settles is a case that does not have to be litigated – besides allowing the parties to shape their own outcome.

We also have heard from a number of local governments and employee organizations about having the ability to electronically file their annual reports and collective bargaining agreements with us. Accordingly, we are currently investigating how best to allow electronic filing this coming fall.

Recent Decisions

*Please note that these summaries are provided for informational purposes only and are not intended to substitute for the opinions of the Board. These summaries should not be cited to or regarded as legal authority. The EMRB will provide copies of the decisions upon request.

The Board did not have any notable decisions in February. So we reach back to late 2013:

[A1-046062, Nye County Law Enforcement Association v. Nye County \(Item No. 791\)](#)

Nye County attempted to sever the juvenile probation officers from the Nye County Law Enforcement Association. The Board held for the Complainant, stating the County violated NRS 288.170, which requires that a local government employer must consult with each and every employee organization it has recognized on the issue of community of interest before it determines the scope of a bargaining unit.

[A1-046104, Clark County v. Clark County Defenders Union, A1-046058 \(Item No. 792\)](#)

In this case a new union representing Public Defenders sought recognition from Clark County. Clark County determined that the Public Defenders should instead be placed in the unit represented by the Clark County Prosecutors Association. The Board determined that the Public Defenders could not be placed in that unit based on a prior decision (Item No. 617). The Board also opined that the County had also not consulted with all of its recognized bargaining agents in accordance with NRS 288.170 and as reiterated by the [Nye County Law Enforcement Association v. Nye County](#) case. This case is on judicial review.

Practice Tips

We get calls on three issues involving the filing and serving of complaints. These three issues concern (1) the limitations period; (2) the time to serve the respondent after filing the complaint; and (3) how to serve the respondent. This month's practice tip concerns all three issues.

NRS 288.110 states in part that the "Board may not consider any complaint or appeal filed more than 6 months after the occurrence which is the subject of the complaint or appeal." Please consult an attorney for any interpretations of this statute, including equitable tolling and the continuing violation doctrine.

After the complaint is filed with our office, NAC 288.080(5) then states the complaint must be served upon the respondent by the complaining party within 5 days of the filing date. NAC 288.200(2) gives the method of serving the complaint on the respondent, which is by certified mail. Proof of the service must then be filed with our office.

"About the EMRB"

The EMRB, a Division of the Department of Business and Industry, is the Nevada state agency involved in the process of collective bargaining and labor relations for local government employers, local government employees and employee associations or unions. Created by Nevada Revised Statute 288, the agency provides resolution of unfair labor practices; resolution of issues related to mandatory bargaining subjects; resolution of disputes related to recognition and determinations regarding appropriate bargaining units. In summary, the law governs concerted activities on the part of local government as it relates to the collective bargaining process. The goal of the EMRB is to foster the collective bargaining process, to provide support to those involved in said process, and to settle disputes as they arise in a neutral and timely manner.